

## **Public Notice – Approval of Water Quality Management Planning Actions**

**Notice of action:** The State Water Control Board (Board) is considering the approval of nine Total Maximum Daily Load (TMDL) reports, and granting authorization to include the TMDL reports in the appropriate Water Quality Management Plans (WQMPs).

**Purpose of notice:** The Board is seeking comment on the proposed approvals and authorizations. The purpose of these actions is to approve nine TMDL reports as Virginia's plans for the pollutant reductions necessary for attainment of water quality goals in impaired waterbodies. These actions are taken in accordance with the Public Participation Procedures for Water Quality Management Planning.

**Public comment period:** April 21 – May 21, 2014

**Description of proposed action:** DEQ staff intends to recommend 1) that the DEQ Director approve the TMDL reports listed below as Virginia's plans for the pollutant reductions necessary for attainment of water quality goals in the impaired segments, and 2) that the DEQ Director authorize inclusion of the TMDL reports in the appropriate WQMPs. No regulatory amendments are required for these TMDLs and their associated waste load allocations.

At the December 2, 2004 meeting, the Board voted unanimously to delegate to the DEQ Director the authority to approve TMDLs that do not include waste load allocations requiring regulatory adoption by the Board, provided that a summary report of the action the Director plans to take is presented to the Board prior to the Director approving the TMDL reports. The TMDLs included in this public notice will be approved using this delegation of authority.

The TMDLs listed below were developed in accordance with Federal Regulations (40 CFR §130.7) and are exempt from the provisions of Article II of the Virginia Administrative Process Act. The TMDLs have been through the TMDL public participation process contained in DEQ's Public Participation Procedures for Water Quality Management Planning. The public comment process provides the affected stakeholders an opportunity for public appeal of the TMDLs. EPA has approved the Middle Clinch River Watershed TMDL, the Maury River, Cedar Creek and Tributaries TMDL, and the Poquoson River and Back Creek TMDL, whereas the other six TMDL reports in this public notice are in the final draft stage under EPA review. The approved reports can be found at <http://www.deq.virginia.gov/Programs/Water/WaterQualityInformationTMDLs/TMDL/TMDLDevelopment/ApprovedTMDLReports.aspx> and the draft reports can be found at <http://www.deq.virginia.gov/Programs/Water/WaterQualityInformationTMDLs/TMDL/TMDLDevelopment/DraftTMDLReports.aspx>.

## **Affected Waterbodies and Localities:**

### **In the James River Basin:**

1. *“Bacteria Total Maximum Daily Load Development for Colliers Creek, North Fork Buffalo Creek, South Fork Buffalo Creek, Buffalo Creek, Maury River, and Cedar Creek and a Sediment Total Maximum Daily Load Development for Colliers Creek”*
  - 6 bacteria TMDLs, located in Augusta, Bath, and Rockbridge Counties and the Cities of Lexington and Buena Vista, propose bacteria reductions for portions of the watershed to address primary contact (swimming use) impairments.

### **In the York River Basin:**

2. *“E. coli and Enterococci TMDL Development for The Pamunkey River and Tributaries, VA”*
  - 5 bacteria TMDLs, located in Hanover, Louisa, King William, Caroline, Spotsylvania, and New Kent Counties, propose bacteria reductions for portions of the watershed to address primary contact (swimming use) impairments.

### **In the Chesapeake Bay-Small Coastal-Eastern Shore Basin:**

3. *“Bacteria TMDL Development in Red Bank Creek and Machipongo River, Virginia”*
  - 3 bacteria TMDLs, located in Accomack and Northampton Counties, propose bacteria reductions for portions of the watersheds to address primary contact (swimming use) impairments.
  - 2 bacteria TMDLs, located in Accomack and Northampton Counties, propose bacteria reductions for portions of the watershed to address shellfish impairments.
4. *“Total Maximum Daily Loads of Bacteria for Poquoson River and Back Creek in the City of Poquoson and in York County, Virginia”*
  - 2 bacteria TMDLs, located in the City of Poquoson and in York County, propose bacteria reductions for portions of the watershed to address shellfish impairments.
5. *“Total Maximum Daily Loads of Bacteria for Back River in York County and Cities of Hampton, Poquoson, and Newport News, Virginia”*
  - 1 bacteria TMDLs, located in York County and Cities of Hampton, Poquoson, and Newport News, propose bacteria reductions for portions of the watershed to address shellfish impairments.

### **In the Chowan River – Dismal Swamp Basin:**

6. *“Total Maximum Daily Load Development for the Back Bay, North Landing River, and Pocaty River Watersheds”*
  - 5 bacteria TMDLs, located in the Cities of Chesapeake and Virginia Beach, propose bacteria reductions for portions of the watershed to address primary contact (swimming use) impairments.

**In the Tennessee/Big Sandy River Basin:**

7. *“TMDL Development Middle Clinch River Watershed, VA”*
  - 6 bacteria TMDLs, located in Russell and Tazewell Counties, propose bacteria reductions for portions of the watershed to address primary contact (swimming use) impairments.
8. *“Bacteria TMDL Development Clinch River and Cove Creek Watershed, VA”*
  - 5 bacteria TMDLs, located in Russell, Scott, and Lee Counties, propose bacteria reductions for portions of the watershed to address primary contact (swimming use) impairments.
9. *“Bacteria and Sediment TMDL Development Lower Clinch River Watershed, VA”*
  - 5 bacteria TMDLs, located in Russell, Scott, Tazewell, and Wise Counties, propose bacteria reductions for portions of the watershed to address primary contact (swimming use) impairments.

**How to comment:** The DEQ accepts written comments by e-mail, fax and postal mail. All written comments must include the full name, address and telephone number of the person commenting and be received by DEQ by 5 p.m. on the last day of the comment period.

**How a decision is made:** After comments have been considered, the Board will make the final decision.

**To review documents:** The TMDL reports are available on the DEQ web site at <http://www.deq.virginia.gov/Programs/Water/WaterQualityInformationTMDLs/TMDL/TMDLDevelopment/ApprovedTMDLReports.aspx> for EPA approved reports, <http://www.deq.virginia.gov/Programs/Water/WaterQualityInformationTMDLs/TMDL/TMDLDevelopment/DraftTMDLReports.aspx> for draft reports, and by contacting the DEQ representative named below for any report. The electronic copies are in PDF format and may be read online or downloaded.

**Contact for public comments, document requests and additional information:**

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